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Stolowitz Ford Cowger LLP 621 SW Morrison St Suite 600 Portland, OR 97205			EXAMINER LAO, LUN S	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/676,620	Applicant(s) HARRIS, MICHAEL R.	
	Examiner LUN-SEE LAO	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-19,22-27 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6-19 and 22-27, 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. This action is in response to the amendment filed on 01-19-2010. Claims 1, 4, 6-8, 13, 17, 19, 23 and 24 have been amended and claim 2-3, 5, 18 and 20-21, 28 have been canceled and claims 31 and 32 have been added. Claims 1, 4, 6-19, 22-27 and 29-32 are pending.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “an FM transmitter comprising: a processor configured to select text data providing ancillary information descriptive of an audio signal responsive to receiving a data type, to convert the selected text data into digitally encoded speech, and to encode the audio signal and the digitally encoded speech according to an FM standard into an FM digital signal responsive to receiving a transmission mode; a converter configured to convert the FM digital signal into an analog FM signal; and a transmitter configured to transmit the analog FM signal; wherein the data type is configured to identify a type of ancillary information that is descriptive of the audio signal; and wherein the transmission mode is configured to identify a mode in which to encode the audio signal and the digitally encoded speech such that the digitally encoded is annunciated after decoding responsive to the transmission mode” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 4, 6-19, 22-27 and 29-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to

Art Unit: 2614

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recited limitation " an FM transmitter comprising: a processor configured to select text data providing ancillary information descriptive of an audio signal responsive to receiving a data type, to convert the selected text data into digitally encoded speech, and to encode the audio signal and the digitally encoded speech according to an FM standard into an FM digital signal responsive to receiving a transmission mode; a converter configured to convert the FM digital signal into an analog FM signal; and a transmitter configured to transmit the analog FM signal; wherein the data type is configured to identify a type of ancillary information that is descriptive of the audio signal; and wherein the transmission mode is configured to identify a mode in which to encode the audio signal and the digitally encoded speech such that the digitally encoded is annunciated after decoding responsive to the transmission mode" (under line) was not supported in the specification nor in any claim originary presented and in any figures.

Claims 13, 19, they are essentially similar to claim 1 and rejected for the reason stated above apropos to claim 1.

5. Claim 32 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 32 recited limitation " wherein the audio

Art Unit: 2614

signal includes music tracks; and wherein the transmission mode includes a table of contents mode configured to indicate encoding the selected text data as an audio table of contents preceding the audio signal, before mode configured to indicate encoding at least a portion of the selected text data before each track of the audio signal to which the at least the portion of the selected text data is associated, or after mode configured to indicate encoding the at least the portion of the selected text data after each track of the audio signal to which the at least the portion of the selected text data is associated" (under line) was not supported in the specification nor in any claim originary presented and in any figures.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 9-12, 19, 22 and 23, 31, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US PAT. 6,782,239) in view of Lee (US PAT. 6,025,553).

Consider claim 1 Johnson teaches an FM transmitter comprising(see figs. 1-3): a processor(see fig. 3 (21)) configured to receive text data providing ancillary information descriptive of an audio signal (reads on, descriptive data related to a song encoded in

Art Unit: 2614

MP3 format, such as a title of the song), and to encode the audio signal and the text data according to an FM standard into an FM digital signal; a converter (64) configured to convert the FM digital signal into an analog FM signal; and a transmitter (50) configured to transmit the analog FM signal(see col. 5 line 60-col. 6 line 49) but Johnson does not explicitly teach to convert the text data into digitally encoded speech before the text data was encoded with the audio signal for transmission purpose; wherein the data type is configured to identify a type of ancillary information that is descriptive of the audio signal; and wherein the transmission mode is configured to identify a mode in which to encode the audio signal and the digitally encoded speech such that the digitally encoded is annunciated after decoding responsive to the transmission mode.

However, Lee teaches an FM transmitter comprising(see fig.1): a processor (see fig.4 (1)) configured to select text data providing ancillary information descriptive of an audio signal responsive to receiving a data type(reads on, number of song's title), to convert the selected text data(reads on, the lyrics of the song) into digitally encoded speech(reads on the song), and to encode the audio signal and the digitally encoded speech according to an FM standard into an FM digital signal responsive to receiving a transmission mode; a converter (see fig.5 (11d,11e) configured to convert the FM digital signal into an analog FM signal; and a transmitter(see fig.4 (24)) configured to transmit the analog FM signal(see fig.4); wherein the data type is configured to identify(by display) a type of ancillary information(reads on, song's title) that is descriptive of the audio signal(reads on, music); and wherein the transmission mode is configured to

Art Unit: 2614

identify(by display) a mode in which to encode the audio signal and the digitally encoded speech(reads on, song) such that the digitally encoded is annunciated after decoding responsive to the transmission mode(see col. 2 line 49-col. 3 line 37 and col. 5 line 25-col. 6 line 67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Lee in to Johnson to provide an advantages of the convention musical accompaniment system.

Consider claims 9-12 Johnson as modified by Lee teaches the FM transmitter(see fig.3) wherein: an auxiliary audio device (23) is configured to generate the audio signal; and the processor (21) is a control processor of the auxiliary audio device(see col. 5 line 60-col. 6 line 49); and the FM transmitter, wherein the auxiliary audio device includes a device selected from a group consisting of a CD player, a CD-MP3 player, a universal satellite receiver, and a digital audio broadcast receiver(see figs 1-3 and col.9 line 45-67); and the FM transmitter further comprising a wireless remote control receiver coupled to the auxiliary audio device, wherein the wireless remote control receiver is configured to receive commands to control the auxiliary audio device and to receive commands to select text data to be transmitted in the FM signal(see figs 1-3 and col. 5 line 1-col. 6 line 39); and the FM transmitter further comprising: a housing physically distinct from the auxiliary audio device and to which the processor, the converter, and the transmitter are mounted, wherein the housing includes: an audio input configured to receive the audio signal from an auxiliary audio device; and a data input configured to

Art Unit: 2614

receive the text data from the auxiliary audio device(see figs 1-3 and col. 5 line 1-col. 6 line 39).

Consider claim 19 Johnson teaches handheld audio player(see figs 1-3), comprising: a storage device (see fig.3 (25)); a processor(21) configured to receive an audio signal(23a) and text data(26) providing ancillary information descriptive of the audio signal from the storage device(34,36), to generate a modulated text data signal including speech encoding of the text data(36), to combine the modulated text data(MP3 includes all titles text data) and the audio signal into a combined audio signal(reads on, MP3 and WMA), and to convert the combined audio signal into an FM signal; and a frequency modulation (FM) transmitter (52,46) configured to transmit the FM signal(see figs. 1-3 and col. 5 line 65-col. 6 line 67); but Johnson does not explicitly teach to convert the text data into digitally encoded speech before the text data was encoded with the audio signal for transmission purpose; wherein the data type is configured to identify a type of ancillary information that is descriptive of the audio signal; and wherein the transmission mode is configured to identify a mode in which to combine the modulated text data and the audio signal such that the speech encoding of the text data is annunciated after decoding the FM signal responsive to the transmission mode indication.

However, Lee teaches a handheld audio player(see fig.1), comprising: a storage device(see fig.3 ((1,5)); a processor(1) configured to receive an audio signal and to select text data providing ancillary information descriptive of the audio signal from the storage device responsive to receiving a data type indication(reads on, a number of

Art Unit: 2614

song's title), to generate from the received selected text data(reads on, the lyrics of the song) a modulated text data signal including speech (reads on a song) encoding of the text data, to combine(see fig.4 (20)) the modulated text data and the audio signal into a combined audio signal responsive to a transmission mode(24) indication and to convert the combined audio signal into an FM signal; and a frequency modulation (FM) transmitter(24) configured to transmit the FM signal; wherein the data type is configured to identify(by display) a type of ancillary information (reads on, a number of song's title) that is descriptive of the audio signal (reads on, music); and wherein the transmission mode is configured to identify (by display) a mode in which to combine the modulated text data and the audio signal such that the speech (reads on, a song) encoding of the text data is annunciated after decoding the FM signal responsive to the transmission mode indication (see col. 2 line 49-col. 3 line 37 and col. 5 line 25-col. 6 line 67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Lee in to Johnson to provide an advantages of the convention musical accompaniment system.

Consider claim 22 Johnson teaches the handheld audio player wherein the handheld audio player includes at least one of a compact disc (CD) player, a flash player, an MP3 player, or a hard disk drive (HDD) jukebox(see figs. 1-3 and col. 5 line 65-col. 6 line 67).

Consider claim 23 Johnson as modified by Lee teaches the handheld audio player of wherein the processor is configured to convert the text data into digitally encoded speech and to combine the digitally encoded speech and the audio signal into a

Art Unit: 2614

combined digital audio signal responsive to the transmission mode indication: wherein a converter is configured to convert the combined digital audio signal into a combined analog audio signal; and wherein the FM transmitter is configured to transmit the combined analog audio signal(In Lee, see figs 1-5 and col. 5 line 25-col. 6 line 67).

Consider claims 31 and 32 Johnson as modified by Lee teaches the FM transmitter wherein the data type includes titles(In Lee, see figs 1-5 and col. 5 line 25-col. 6 line 67); and the FM transmitter wherein the audio signal includes music tracks; and wherein the transmission mode includes a table of contents mode configured to indicate encoding the selected text data as an audio table of contents preceding the audio signal, before mode configured to indicate encoding at least a portion of the selected text data before each track of the audio signal to which the at least the portion of the selected text data is associated, or after mode configured to indicate encoding the at least the portion of the selected text data after each track of the audio signal to which the at least the portion of the selected text data is associated(In Lee, see figs 1-5 and col. 5 line 25-col. 6 line 67).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US PAT. 6,782,239) as modified by Lee (US PAT. 6,025,553) as applied to claims 1 and 19 above and further in view of Zhang (US PAT. 6,295,362).

Consider claim 4 Johnson teach the FM transmitter further comprising a filter (see fig.3 (31)) configured to filter the analog FM signal to exclude signal components outside of a range of frequencies according to an FM standard; but

Art Unit: 2614

but Johnson does not explicitly a bank-pass filter.

However, Zhang teaches that the FM transmitter further comprising a band- pass filter(see fig.2 (113)) configured to filter the analog FM signal to exclude signal components outside of a range of frequencies according to an RDS standard(see col. 4 line 52-col.5 line 32).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Zhang into Johnson so that noise in the radio data control system could have been effectively reduced.

9. Claims 6-8 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US PAT. 6,782,239) as modified by Lee (US PAT. 6,025,553) as applied to claims 1 and 19 above and further in view of Anderson (US PAT. 5,721,783).

Consider claim 6 Johnson and Lee does not explicitly teach the FM transmitter wherein the processor includes a signal combiner is configured to time-division multiplex the digitally encoded speech and the audio signal to generate the FM digital signal to the transmission mode.

However, Anderson teaches teach the FM transmitter wherein the processor (see fig.2 (23)) includes a signal combiner (see fig.2 (28)) is configured to time-division multiplex the digitally encoded speech and the audio signal to generate the FM digital signal to the transmission mode(see figs 2 , 9 and col. 13 line 23-67 and col. 16 line 1-67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Anderson into the teaching of Johnson and Lee so that the transmission frequencies undergo a hopping sequence for increasing the power at which the signals are transmitted.

Claims 8, 24, they are essentially similar to claim 6 and rejected for the reason stated above apropos to claim 6.

Consider claim 7 Johnson teaches the processor includes code to control the processor to convert the selected text data into the digitally encoded speech (In Lee, see figs 1-5 and col. 5 line 25-col. 6 line 67).

10. Claims 13, 14, 17, 26, 27, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. (US PAT. 5,881,365) in view of Lee (US PAT. 6,374,177).

Consider claim 13 Yang teaches a transceiver(see figs. 2, 3), comprising: a radio data system (RDS) modulator(42) configured to generate a modulated text data signal modulated as digital RDS signal using a digitized 57kHz subcarrier(see col. 5 line 39-53) in response to receiving text data(42, reads on the I.D. number)) and an audio signal(reads on the voice message), wherein the text data(see fig.2(26)) including text data(42, reads on the I.D. number)) configured to provide ancillary information descriptive of an audio signal(reads on the voice message(particular pager)) and in response to a data type(reads on telephone number); a frequency modulation (FM) encoder(24) configured to generate an FM encoded audio signal in response to the

Art Unit: 2614

audio signal; a signal combiner (46) configured to combine the modulated text data signal (42) and the FM encoded audio signal(40) into a combined signal in response to a transmission mode; and an FM transmitter(52) configured to transmit the combined signal(see figs. 2,3 and col. 5 line 65-col. 6 line 67); but Yang does not explicitly teach wherein the data type is configured to identify a type of ancillary information that is descriptive of the audio signal; and wherein the transmission mode is configured to identify a mode in which to combine the audio signal and the modulated text data signal.

However, Lee teaches a transceiver, comprising(see fig.1): a radio data system (RDS) modulator configured to generate a modulated text data signal modulated as digital RDS signal using a digitized subcarrier in response to receiving an text data configured to provide ancillary information descriptive of an audio signal and in response to receiving a data type(10); a frequency modulation (FM) encoder configured to generate an FM encoded audio signal in response to the audio signal; a signal combiner (20)configured to combine the modulated text data signal and the FM encoded audio signal into a combined signal in response to a transmission mode(see col. 6 line 9-col. 7 line 67); and an FM transmitter(reads on FM SUBCARRIER in fig. 1) configured to transmit the combined signal; wherein the data type(reads on categories) is configured to identify a type(such as blues, classical) of ancillary information that is descriptive of the audio signal(reads on, music); and wherein the transmission mode is configured to identify a mode in which to combine the audio signal and the modulated text data signal(see col. 9 line 7-col. 10 line 67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Lee in to Yang to provide an advantages of the entertainment system.

Consider claim 14 Yang as modified by Lee a satellite audio receiver wherein at least one of the RDS modulator, the FM encoder, or the signal combiner are implemented in the processor of the satellite audio receiver (In Lee, see figs 1-3 and col. 2 line 13-59, col.6 line 33-67).

Consider claim 17 Yang as modified by Lee teaches the transceiver further comprising a housing configured to mount the satellite audio receiver and at least one of the RDS modulator, the FM encoder, the signal combiner, or the FM transmitter (in Lee, see figs 1-3 and col. 2 line 13-59, col.6 line 33-67).

Consider claim 26, 27, 29 and 30 Yang as modified by Lee teaches the transceiver wherein the RDS modulator is configured to receive an external audio transmission from a consumer electronic device providing the audio signal in analog audio format (in Lee, see figs 1-3 and col. 2 line 13-59, col.6 line 33-67); and the transceiver wherein the RDS modulator is configured to receive an external audio transmission from a universal satellite receiver providing the audio signal in stereo audio format (in Lee, see figs 1-3 and col. 2 line 13-59, col.6 line 33-67); and the transceiver wherein the FM transmitter is configured for low-power, short-range broadcast (in Lee, see figs 1-3 and col. 2 line 13-59, col.6 line 33-67); and the transceiver further comprising a user control enabling different items from the text data to be selected for transmission to vary the display of

Art Unit: 2614

an external RDS-capable receiver (in Lee, see figs 1-3 and col. 2 line 13-59, col.6 line 33-67).

11. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. (US PAT. 5,881,365) as modified by Lee (US PAT. 6,374,177) as applied to claim 13 above, and further in view of Grimes (US PAT. 6,377,822) .

Consider claims 15 and 16 Yang does not explicitly teach the transceiver further comprising: a converter configured to convert the digital RDS signal into an analog RDS signal and wherein the signal combiner is configured to sum the analog RDS signal and the FM encoded audio signal into a combined FM analog audio; and the transceiver wherein the FM encoder is configured to generate an FM encoded digitized audio signal and further including a converter configured to convert the combined digital RDS signal and the FM encoded digitized audio signal into a combined FM analog audio signal.

However, Grimes teaches the transceiver(see fig.1 (106)) further comprising: a converter (see fig.1 (104)) configured to convert the digital RDS signal into an analog RDS signal and wherein the signal combiner is configured to sum the analog RDS signal and the FM encoded audio signal into a combined(see fig.1 (101)) FM analog audio(see fig. 1 and col. 2line 23-col. 3 line 26); and the transceiver wherein the FM encoder is configured to generate an FM encoded digitized audio signal and further including a converter (104)configured to convert the combined digital RDS signal and the FM encoded digitized audio signal into a combined FM analog audio signal(see fig. 1 and col. 2line 23-col. 3 line 26).

Art Unit: 2614

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Grimes in to Yang and Lee to provide the transmission frequencies undergo a hopping sequence for faster which the signals are transmitted.

12. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. (US PAT. 5,881,365) as modified by Lee (US PAT. 6,374,177) as applied to claims 13 and 14 above and further in view of Johnson et al. (US PAT. 6,782,239).

Consider claim 25, Yang does not explicitly teach the transceiver of wherein the FM transmitter is tunable for retransmission of the broadcast transmission received by the satellite audio receiver to an available channel of an RDS-capable preinstalled FM stereo car receiver.

However, Johnson the transceiver of wherein the FM transmitter is tunable for retransmission of the broadcast transmission received by the FM audio receiver to an available channel of an RDS-capable preinstalled FM stereo car receiver(see figs 1,2 and col. 4 line 66-col. 5 line 59).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Johnson in to the teaching of Yang and Lee provide more choice to entertainment the user.

On the other hand, , Lee teaches a satellite audio receiver (see figs 1-3 and col. 2 line 13-59, col.6 line 33-67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Lee in to the teaching of Yang and Johnson provide satellite radios to transmit over large geographic areas and for international internet audio broadcasts so that the transmission frequencies undergo a hopping sequence for increasing the power at which the signals are transmitted.

Response to Arguments

13. Applicant's arguments with respect to claim 1, 4, 6-19 and 22-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2614

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao,Lun-See
/LUN-SEE LAO/
Examiner, Art Unit 2614
Patent Examiner
US Patent and Trademark Office
Knox

Application/Control Number: 10/676,620

Page 19

Art Unit: 2614

571-272-7501

Date 03-25-2010

/Vivian Chin/

Supervisory Patent Examiner, Art Unit 2614